

Town Board Minutes

**Meeting
No. 21**

Special Meeting

August 16, 1999

MEETINGS TO DATE 21
NO. OF REGULARS 15
NO. OF SPECIALS 6

LANCASTER, NEW YORK
August 16, 1999

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 16th day of August, 1999, at 6:00 PM and there were

PRESENT: ROBERT GIZA, SUPERVISOR
NEIL CONNELLY, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
FRANK DE CARLO, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
DAVID MARRANO, PLANNING BOARD CHAIRMAN
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
MILDRED WHITTAKER, PLANNING BOARD MEMBER

ABSENT: WILLIAM MARYNIEWSKI, COUNCIL MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT THILL, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of the NEC Transit/William LLC rezone matter.

The Town Attorney provided a "Scoping Checklist" to the Municipal Review Committee and outlined its purpose in the SEQR review of this rezone.

Mr. David Seeger, Attorney for Citizens Against Rural Sprawl [CARS], presented a "Draft Scope" for the proposed rezone prepared by Frank Sciremammano and requested that the Committee consider the findings of Mr. Sciremammano in their preparation of a "Scoping Checklist".

The Committee members felt that they needed time to review the "Draft Scope" prepared by Mr. Sciremammano before they proceed with the preparation of their "Scoping Checklist".

It was agreed by general consensus of the Committee [not a formal resolution] that the Committee will not act upon the preparation of a "Scoping Checklist" this evening.

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:55 P.M.

Robert P. Thill

Robert P. Thill, Town Clerk

Town Board Minutes

**Meeting
No. 22**

Regular Meeting

August 16, 1999

MEETINGS TO DATE 22
NO. OF REGULARS 16
NO. OF SPECIALS 6

LANCASTER, NEW YORK
August 16, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 16th day of August, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: WILLIAM MARYNIEWSKI, COUNCIL MEMBER

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:15 P.M. to deliberate in Executive Session for the announced purpose of discussing the proposed garbage contract with CID and American Ref-Fuel.

At 10:15 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

- Sought information on who pays the costs to repair a broken water line.

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Asked about Town funding for the Meals-On-Wheels Program.
- Read a prepared statement relative to the benefits of growth as compared to the costs of residential growth.

Everts, Douglas, 2 Eastwood Pkwy, spoke to the Town Board on the following matter:

- Request a status report on a signal at William Street and Penora Street.

Hammer, Fred, 240 Ransom Road, spoke to the Town Board on the following matters:

- Praised the Town wide garage sale.
- Expressed opinion that those industries receiving IDA tax reduction should support Meals-On-Wheels.
- Urged the Board to reduce taxes.
- Would like more outlet stores in Lancaster.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Asked questions on prefiled resolution numbers 3 and 15.
- Asked for turn arrows at the following intersections: Harris Hill Road at Pleasant View Drive, Harris Hill Road at Genesee Street and Harris Hill Road at Wehrle Drive.
- Asked questions about the \$150,00 LIDA land grant and the \$150,00 ECIDA grant to the Lancaster Partnership for purchase of the old BOCES building.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked questions on prefiled resolution number 4.
- Would like to see town engineering work directed to local Lancaster engineers.
- Expressed dismay that engineering work is exempt from the public bid process.

Stanko, John, 10 Pleasant View Drive, spoke to the Town Board on the following matters:

- Expressed concern that final grading is not done on water line projects until well after the project is complete.
- Commended May's Tree Service for complying with the conditions of their dumping permit.
- Would like all persons treated equally.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Asked questions on prefiled resolution numbers 3, 4, and 16.
- Would like to see more engineering work assigned to local engineers who have offices or live in Lancaster.

Fowler, Thomas, Chief of Police, spoke to the Town Board on the following matter:

- Various issues surrounding a recent article that appeared in the Buffalo News labeling him as a tyrant. Expressed deep dissatisfaction that confidential letters concerning the operation of the Police Department were provided to the news media.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on August 2, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Chief of Police has recommended to the Town Board that the title of "Police Clerk" in the Police Department should be changed to that of "Public Safety Dispatcher" to more appropriately represent the nature of the services performed by the employees filling the positions, and

WHEREAS, the Town Board has duly reviewed and considered this recommendation and believes the change of title is appropriate;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to complete the requisite PO-17 and file with Erie County Personnel to create six (6) positions of "Public Safety Dispatcher" in the Town of Lancaster Police Department.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rpsdspch.899

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster has previously engaged the professional engineering services of Hayden/Wegman Consulting Engineers, as engineering consultant for the Town water system improvements on a two-phase project:

- (A) Phase I involving Aurora Street, north and south of William Street, Steinfeldt Road, and Glendale & Parkdale Drive; and
- (B) Phase II involving Genesee Street, Transit Road, Main Street and Division Street; and

WHEREAS, certain change orders have been approved to the project contractor for additional work that was deemed necessary as the project was being completed, and

WHEREAS, there was a the need for additional inspection services by the Consulting Engineer which were unanticipated at the time the Agreement was entered into with Hayden/Wegman, which additional service has been performed by the Consulting Engineer and documented and reviewed by the Town Engineer and Town Board and determined to have been a necessary service to assure the satisfactory completion of the project by the contractor;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an "Extra Work Agreement" with Hayden/Wegman which provides for the terms, conditions and amount of payment to Hayden/Wegman for professional engineering services provided to the Town on the beforementioned water improvement project, the total payment to be in the sum of \$114,558.11.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, HAYDEN/WEGMAN CONSULTING ENGINEERS, INC., 55
Pineview Drive, Suite D-Amherst, New York 14228, the Consulting Engineers for the Water
System Improvements for the Town of Lancaster, has submitted Change Order No. 1 in the
amount of \$114,558.11 to the Town Board for their approval;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves
Change Order No. 1 to Hayden/Wegman Consulting Engineers, Inc., with respect to the water
system improvements according to the following description of a change to the contract:

DESCRIPTION OF CHANGE ORDER NO. 1:

Additional compensation for Additional Engineering Services
and on-site inspection.

CHANGE ORDER NO. 1:

The original Contract Sum for Phases I and II was	\$309,170.00
The Contract Sum will be increased by this Change	
Order in the amount of	114,558.11
The new Contract Sum increased including this	
Change Order will be	423,728.11

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this
Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated August 10, 1999, has requested the addition of the following member to the membership
roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Twin District Volunteer Fire Company, of the following
individual:

ADDITION:
Michael Webber
49 Bentley Circle
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated August 10, 1999, has requested the deletion of three members from the active roster of
said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby deletes
from the membership of the Twin District Volunteer Fire Company, the following individuals:

DELETIONS:

Patrick McHenry
162 Central Avenue
Lancaster, New York 14086

Kim Saelzer
4887 William Street
Lancaster, New York 14086

Michael Tuberdyke
44 Old Post Road
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: RFIRE (P6)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER CONNELLY, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids to
furnish One (1) Used Badger ditching machine for use by the Highway Department of the
Town of Lancaster, and

WHEREAS, bids were received and opened on August 12, 1999, and

WHEREAS, by letter dated August 12, 1999, the Highway Superintendent
has recommended that the bid of L.B. Smith, Inc., 2260 Sheridan Drive, Buffalo, New York
14223 in the amount of \$20,203.00 for a 1988 Badger ditching machine (Model #666), being
the lowest responsible bid in conformance with the specifications on file in the Town Clerk's
office, be accepted by the Town for this equipment;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby awards the bid
for One (1) Used 1988 Badger ditching machine (Model #666) for use by the Highway
Department, to L. B. Smith, Inc., 2260 Sheridan Drive, Buffalo, New York 14223, said bidder
being the lowest responsible bidder in conformance with the specifications on file in the office
of the Town Clerk, in the amount of \$20,203.00.
2. That the Highway Superintendent be and is hereby authorized to order
such equipment.
3. This equipment shall be paid for from the proceeds of a Note Issue
provided for by a Bond Resolution adopted July 6, 1998

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rahwybgr.899

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has heretofore entered into a certain MUNICIPAL COOPERATION AGREEMENT (the "Agreement") made pursuant to New York General Municipal Law, Article 5-G, Section 119-o amended and restated as of July 20, 1992, by and among the Town of Lancaster and each district and municipal corporation, as defined in Section 119-n of the New York General Municipal Law, that enters into the Agreement (with the Town of Lancaster, the "Participant"); and

WHEREAS, Section 13.1 of the Agreement provides that the Agreement, including the Exhibits thereto, can be amended, from time to time, by the Participants in the manner set forth therein; and

WHEREAS, for various reasons, including, but not limited to the compliance with the recently enacted Article 3-A of the New York General Municipal Law which mandates the inclusion of certain provisions in the Agreement; and

WHEREAS, among such reasons in that certain provisions of the Agreement have been identified as being unnecessary, in light of other provisions of the Agreement;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lancaster that the amended and restated Municipal Cooperative Agreement, (for continued participation in Cooperative Liquid Assets Securities System - "CLASS") dated as of October 20, 1999 and on file in the office of the Town Clerk, is hereby approved and the Supervisor of the Town of Lancaster is hereby authorized to execute the Contract on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rclass.899

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids to
furnish One (1) New and Unused 4-Wheel Drive Wheel Loader with a Three (3) Cubic Yard 4-In-One
Bucket for use by the Highway Department of the Town of Lancaster, and

WHEREAS, bids were received and opened on August 12, 1999, and

WHEREAS, by letter dated August 12, 1999, the Highway Superintendent
has recommended that the bid of George & Swede Sales & Service, Inc., 7155 Big Tree Road,
Pavilion, New York 14525 in the amount of \$92,377.00 for the beforementioned equipment, less
trade-in of One 1987 Trojan 2000Z Wheel Loader in the amount of \$25,000 for a net amount of
\$67,377.00 being the lowest responsible bid in conformance with the specifications on file in the
Town Clerk's office, be accepted by the Town for this equipment;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby awards the bid for the
following equipment to George & Swede Sales and Service, Inc., 7155 Big Tree Road, Pavilion, New
York 14525, said bidder being the lowest responsible bidder in conformance with the specifications on
file in the office of the Town Clerk:

One (1) New and Unused 4-Wheel Drive Wheel
Loader with a Three (3) Cubic Yard 4-In-One
Bucket (Model #HL750)

\$92,377.00

Less Trade-In of One (1) 1987 Trojan 2000Z
Wheel Loader with 4-In-One Bucket
Serial No. 3148810

\$25,000.00

Net Amount of Bid: \$67,377.00

2. That the Highway Superintendent be and is hereby authorized to order such
equipment.

3. This equipment shall be paid for from the proceeds of a Note Issue provided
for by a Bond Resolution adopted July 6, 1998

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rahwyldr.899

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the New York State Legislature has by Chapter 70 of the Laws of 1999 made a Retirement Incentive Program available to local government, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the legislation and determined that there may be cost savings accomplished in Town government by electing to provide special retirement incentive benefits to those eligible employees in position in departments where the Town Board determines that the required statutory cost savings can be effectuated, and

WHEREAS, the Town Board must act by Local Law , and

WHEREAS, Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the Town Board of the Town of Lancaster has proposed a Local Law entitled "Personnel - Retirement Incentive-1999, which reads as follows:

PERSONNEL

PERSONNEL - RETIREMENT INCENTIVE-1999

Proposed

LOCAL LAW - 1999

**A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED
BY CHAPTER 70 OF THE LAWS OF 1999 FOR ELIGIBLE EMPLOYEES OF THE TOWN
OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK.**

§1.0	Election of Plan
§1.1	Commencement Date of Program
§1.2	Eligible Positions
§1.3	Open Period
§1.4	Additional Retirement Benefits
§1.5	Effective Date

**Be it enacted by the Town Board of the Town of Lancaster, County of Erie, State of New York,
as follows:**

§1.0. Election of Plan.

The Town of Lancaster hereby elects to provide its eligible employees with a retirement incentive program authorized by Chapter 70 of the Laws of 1999.

§1.1. Commencement Date of Program.

The Commencement date of the retirement incentive program shall be October 1, 1999.

§1.2. Eligible Positions.

The Town Board shall determine which positions in town service are eligible as meeting the requirements of Chapter 70 of the Laws of 1999 and shall so designate those positions.

§1.3. Open Period.

The open period during which eligible employees may retire and receive additional retirement benefit, shall be sixty (60) days in length.

§1.4. Additional Retirement Benefits.

The actuarial present value of additional retirement benefits payable pursuant to the provisions of this Local Law shall be funded over a five-year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Lancaster for each employee who receives the retirement benefits payable under this Local Law.

§1.5. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster and pursuant to Chapter 70 of the Laws of 1999 of the State of New York, a Public Hearing on the proposed Local Law of 1999 entitled: "Personnel - Retirement Incentive-1999 will be held at the Town Hall, 21 Central Avenue, Lancaster, New York at 7:00 P.M. o'clock , Local Time on the 30th day of August, 1999, and that Notice of the Time and Place of such Hearing shall be published on the 19th day of August, 1999, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk be and is hereby directed to make copies of this proposed Local Law of 1999, entitled "Personnel - Retirement Incentive-1999" available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rlprsnl.899

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 16th day of August, 1999, the said Town Board will hold a Public Hearing on the 30th of August, 1999 at 7:00 o'clock P.M., Local Time at the Town Hall, 21 Central Avenue, Lancaster to hear all interested persons upon a proposed Local Law of 1999, entitled "Personnel - Retirement Incentive-1999", which Law is briefly described as follows:

"A Local Law electing retirement incentive program for the year 1999
as authorized by Chapter 70 of the Laws of 1999 for eligible employees of the
Town of Lancaster."

A complete copy of this proposed Local, entitled: "Personnel - Retirement Incentive-1999" is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By:

ROBERT P. THILL
Town Clerk

August 16, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 10058 to Claim No. 10371 Inclusive

Total amount hereby authorized to be paid: **\$937,631.42**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: Rclains

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved
and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	Structure
6182		Palumbo, Thomas	24 Brunck Rd	Er. Garage
6183		Niagara Lutheran Health	5987 Broadway	Demolition
6184		Barbati, Barb	277 Enchanted Forest	Er. Deck
6185		Cutrona, Thomas	316 Enchanted Forest	Er. Fence
6186		Caldarelli, Joseph	6 Old Schoolhouse Rd	Er. Pool
6187		Marrano/Marc Equity	61 Old Post Rd	Er. Sin. Dwlg
6188		Marrano/Marc Equity	10 Butler Dr	Er. Sin. Dwlg
6189		Marrano/Marc Equity	58 Trentwood Trl	Er. Sin. Dwlg
6190		Artisan Bldrs Inc	5090 William St	Er. Sin. Dwlg
6191		Sutkowski, Thomas	15 Hemlock Ln	Er. Deck
6192		Kurowski, thomas	6 Rue Madeleine Way	Er. Pool
6193		Smith, Kelly	41 Stream View Ln	Er. Shed
6194		Puglisi, Frank	41 Michael Anthony Ln	Er. Shed
6195		Puglisi, Frank	41 Michael Anthony Ln	Er. Fence
6196		Dilena, Mark	1120 Townline Rd	Er. Deck
6197		Blizzard, Curt	43 Creekwood Dr	Er. Shed
6198		McLaughlin, Jerome	229 Pavement Rd	Er. Pool
6199		Walnut Creek JT Venture	284 Enchanted Forest N	Er. Sin. Dwlg
6200		M A Tufillaro Bldrs	11 Queen's Way	Er. Sin. Dwlg
6201		M A Tufillaro Bldrs	56 Michael Anthony Ln	Er. Sin. Dwlg
6202		AMF Bowling Centers	4913 Transit Rd	Er. Sign Pole
6203		AMF Bowling Centers	4913 Transit Rd	Er. Sign Wall
6204		AMF Bowling Centers	4913 Transit Rd	Er. Sign Wall
6205		Donato Homes Inc	207 Nathan's Trl	Er. Sin. Dwlg
6206		Glenhollow Assoc	6 Candlestick Ct	Er. Sin. Dwlg
6207		Fischione Const	41 Tomahawk Trl	Er. Sin. Dwlg
6208		Fischione Const co	20 Arrow Trl	Er. Sin. Dwlg
6209		Kirisits, Jeffrey	10 Old Orchard Comm	Er. Pool
6210		Natello, Andrea	20 Petersbrook Cir	Er. Shed
6211		Glenhollow Assoc	48 Michael's Walk	Er. Fence
6212		Jeziorowski, John	25 Running Brk Dr	Er. Fence
6213		M J Ogiony Bldrs	11 Schiffler Ct	Er. Sin. Dwlg
6214		Mornelli, Ronald	9 Rue Madeleine Way	Er. Deck
6215		Collyer, David	195 Enchanted Forest S	Er. Deck
6216		Capitani, Mark	3 Cobblestone Ct	Er. Shed

6217	Werner, Christopher	18 Candlestick Ct	Er. Shed
6218	Witkowski, Anthony	16 Traceway	Er. Deck
6219	A D Enterprises	93 Newberry Ln	Er. Sin. Dwlg
6220	Lima, Salvatore /Baroni	408 Aurora St	Er. Pool
6221	Lima, Salvatore /Baroni	408 Aurora St	Er. Fence
6222	Stone, Timothy	86 Michael's Walk	Er. Deck
6223	Reinig, Paul	28 Hemlock Ln	Er. Pool
6224	Reinig, Paul	28 Hemlock Ln	Er. Fence
6225	Booth, Jay	15 Gale Dr	Er. Fireplace/Stove
6226	BJF Development	22 Schiffler Ct	Er. Sin. Dwlg
6227	Hughes, Robert	42 Creekwood Dr	Er. Pool
6229	Holloway, David	90 Old Post Rd	Er. Pool
6230	Muggli, S /Richardson	79 Newberry Ln	Er. Shed
6231	Windsor Ridge Ptnrs	8 Windcroft Ln	Er. Sin. Dwlg
6232	Windsor Ridge Ptnrs	6 Windcroft Ln	Er. Sin. Dwlg
6233	Little, John	211 Warner Rd	Er. Shed
6234	Kenner, Darren	30 Wainwright Ct	Res. Alteration
6235	Pilski, Albert	104 Pheasant Run Ln	Er. Shed

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File:Rbldg2

Council Member Connelly requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has repeatedly requested that the County of Erie approve full signalization of the intersection of the County roads known as William Street and Lake Avenue in said Town, and

WHEREAS, the Town of Lancaster has authorized a bond resolution for the installation of the signal at the beforementioned intersection since the law requires that the local municipality provide for the cost of the installation and maintenance of traffic signals on county roads within the Town, and

WHEREAS, the County of Erie, Department of Public Works, Division of Highways has questioned whether this intersection meets the current New York State Manual of Uniform Traffic Devices Standards for the installation of a full signal while the Town Board remains resolute in causing the installation of a full signal, and

WHEREAS, the County of Erie has now advised the Town that a Town Board resolution is required absolving the County of any liability due to the installation of an unwarranted signal at this intersection;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby undertakes and assumes liability due to the installation of a full traffic signal at the intersection of the county roads known as William Street and Lake Avenue in the Town of Lancaster, thereby absolving the County of any liability due to the installation of an unwarranted signal at this intersection.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rtrfcsgl.899

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

BE IT RESOLVED, that a Special Meeting of the Town Board of the Town of Lancaster will be held Monday, August 30, 1999, at 7:00 P.M. o'clock Local Time for the purpose of conducting a Public Hearing on a proposed Local Law entitled: "Personnel - Retirement Incentive-1999" and any other business which may legally come before the Town Board at that time.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rspcm1g.899

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster presently has a MUNI Cash Agreement with Fleet National Bank whereby the Town invests in government securities through a three-party repurchase agreement program, and

WHEREAS, Fleet Bank has advised the Town of Lancaster that it is replacing the third party in the master Repurchase Agreement which is presently Swiss Bank Corporation, with Merrill, Lynch Government Securities, Inc., and

WHEREAS, the Town Board has duly reviewed and considered the beforementioned change;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into a revised MUNI Cash Agreement with Fleet National Bank.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rfleet.899

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is in the process of reviewing a rezone petition including the area of Transit Road near William Street and the requisite SEQR review, and

WHEREAS, after due consideration the Town Board deems it in the public interest to engage an outside engineering consultant to assist the Town in its environmental review, the cost of which is to be borne by the developer;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an agreement to engage the professional services of TVGA Engineering for environmental review services for the rezone petition and SEQR on William Street retail project, the cost of which to be reimbursed by the developer to the Town, for a sum not to exceed \$20,000.00, such engagement to be conditioned upon there being no demonstrated conflict of interest between the developer proponent and TVGA Engineering.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 1999

File: rtvga.899

COMMUNICATIONS:

429. Town Clerk to Supervisor -
Transmittal of monthly report for the month of July, 1999. DISPOSITION = Received and Filed
430. Marrano/Marc Equity Corp to Council Member Stempniak -
Agreement to complete landscape buffer re: Trentwood Trail Subdivision. DISPOSITION = Planning Committee, Town Clerk, Town Attorney, Building Inspector, Town Engineer
431. Erie County Dept. of Environment and Planning to Supervisor -
Notice of renewal of agreements establishing Consortium for HOME investment Partnership and Community Development Block Grant Programs. DISPOSITION = Received and Filed
432. Erie County Dept. of Environment and Planning to Supervisor -
Announcement of new program to income eligible homeowners connect to a new water line or sewer service in their neighborhood. DISPOSITION = Received and Filed
433. People Inc. to Supervisor -
Express appreciation for assistance and support in selection of new residence at 412 Central Avenue for disabled citizens of Western new York. DISPOSITION = Received and Filed
434. Senator Mary Lou Rath to Town Board -
Comments re: "Violence as a Public Health Issue". DISPOSITION = Received and Filed
435. Dale Larson, Erie County Legislator to NYS Dept. of Transportation -
Request an interim repair project on Broadway in Lancaster. DISPOSITION = Received and Filed
436. Alden Supervisor to Supervisor -
Express desire to form an Advisory Board between the Town Boards of Lancaster and Alden, the Village Board of the Village of Alden and the four fire companies. DISPOSITION = Public Safety Committee
437. Police Chief to Council Member Montour -
Response to letter re: Police Department. DISPOSITION = Public Safety Committee
438. Twin District VFC to Town Board -
Request deletion of members from active roster. DISPOSITION = Received and Filed
439. Twin District VFC to Town Board -
Request addition of members to active roster. DISPOSITION = Received and Filed
440. Highway Superintendent to Town Board -
Request purchase of a used 1988 Badger ditching machine from bid of L.B. Snith Inc. DISPOSITION = Received and Filed
441. Highway Superintendent to Town Board -
Request purchase of 4 Wheel Drive Wheel Loader from George & Swede Sales & Service. DISPOSITION = Received and Filed
442. Erie County Dept. Of Environment and Planning to Ontario Specialty Contracting -
Notice to proceed re: Erie County Sewer District No. 4 Pinetree Subtrunk Sanitary Sewer Contract. DISPOSITION = Received and Filed
443. Village of Lancaster Dept. Of Public Works to Western Regional Manager NYS Electric and Gas -
Request work permit/easement in order to construct an Access Roadway to Industrial Park. DISPOSITION = Received and Filed

444. Erie County Dept. Of Public Works to Supervisor -
Advisement re: signal installations at William Street at Lake Avenue and William Street at Bowen Road. DISPOSITION = Public Safety
445. Erie County Dept. Of Environment and Planning to Town Board -
Notice that Town of Lancaster is required to participate in District No. 4's EPA Approved Pretreatment Program. DISPOSITION = Received and Filed
446. People Inc. to Supervisor -
Express gratitude for cooperation in siting home at 412 Central Avenue as a possible community residence. DISPOSITION = Received and Filed
447. Association of Towns to Supervisor -
Advisement of amount of dues for membership for the year 2000. DISPOSITION = Received and Filed
448. Senator Dale Volker to Supervisor -
Notification of grant approval for a Local Initiative. DISPOSITION = Received and Filed
449. Association of Towns to Town Board -
Transmittal of highlights of the state budget which impact town government. DISPOSITION = Received and Filed
450. Village of Lancaster to Erie County Industrial Development Agency -
Request work permit/easement in order to construct an Access Roadway to Industrial Park. DISPOSITION = Received and Filed
451. Adelphia Cable to Supervisor -
Transmittal of this month's Adelphia Connection, telling subscribers about impact of recent growth. DISPOSITION = Received and Filed
452. Phillips, Lytle, Hitchcock, Blaine & Huber LLP to Supervisor -
Conveyance of reports of lecture at Chautauqua Institution re: what beautifies the community. DISPOSITION = Received and Filed
453. Amigone, Sanchez, Mattrey & Marshall, LLP to Supervisor -
Notification of new ownership of Lancaster Mall. DISPOSITION = Received and Filed
454. Association of Erie County Governments to Supervisor -
Notice of meeting August 26, 1999. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPIAK AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk